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| Adopted | Rejected |
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COMMITTEE REPORT

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| YES: | 11 |
| NO: | 0 |

MR. SPEAKER:

*Your Committee on **Roads and Transportation**, to which was referred Senate Bill 405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, between lines 3 and 4, begin a new paragraph and insert:
- 2 "SECTION 4. IC 9-13-2-151.7 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2003]: **Sec. 151.7. "Rental company" has the**
- 5 **meaning set forth in IC 24-4-9-7."**
- 6 Page 2, line 32, delete "(3)," and insert "(3)".
- 7 Page 2, line 32, before "(4)," reset in roman "and".
- 8 Page 2, line 32, delete "and (5)".
- 9 Page 3, delete lines 17 through 34.
- 10 Page 3, line 37, delete "(a)(3)," and insert "(a)(3)".
- 11 Page 3, line 37, before "(a)(4)," reset in roman "or".
- 12 Page 3, line 37, delete "(a)(4)," and insert "(a)(4)".
- 13 Page 3, line 37, delete "or (a)(5)".
- 14 Page 3, line 38, delete "A third party holding a certificate of title

- 1 indicating a lien".
- 2 Page 3, delete lines 39 through 42.
- 3 Page 4, delete line 1.
- 4 Page 4, line 2, delete "(d)".
- 5 Run in page 3, line 38 through page 4, line 2.
- 6 Page 4, line 2, delete "deliver"" and insert "**deliver", with respect**
- 7 **to a third party,"**.
- 8 Page 4, line 3, delete "thirty (30)" and insert "**ten (10) business**".
- 9 Page 4, line 3, delete "receipt of payment to" and insert "**there is no**
- 10 **obligation secured by the vehicle."**
- 11 Page 4, line 4, delete "satisfy a lien that is indicated on a certificate
- 12 of title."
- 13 Page 4, line 25, after "party" insert "**one hundred dollars (\$100).**
- 14 **If:**
- 15 (1) **the dealer's inability to timely deliver a valid certificate of**
- 16 **title results from the acts or omissions of a third party who**
- 17 **has failed to timely deliver the certificate of title in the third**
- 18 **party's possession to the dealer; and**
- 19 (2) **the failure continues for ten (10) business days after the**
- 20 **dealer gives the third party written notice of the failure;**
- 21 **the dealer is entitled to claim against the third party"**.
- 22 Page 4, line 28, reset in roman "(d)".
- 23 Page 4, line 28, delete "(e)".
- 24 Page 4, line 33, reset in roman "(e)".
- 25 Page 4, line 33, delete "(f)".
- 26 Page 4, between lines 36 and 37, begin a new paragraph and insert:
- 27 "**(f) A dealer shall make payment to a third party to satisfy any**
- 28 **obligation secured by the vehicle within five (5) days after the date**
- 29 **of sale."**
- 30 Page 5, line 8, after "_____" insert "**Payoff of lien was**
- 31 **made on (date)_____."**
- 32 Page 5, line 24, delete ""If" and insert "**If**".
- 33 Page 5, line 33, delete "dealer." ." and insert "dealer."
- 34 Page 5, between lines 33 and 34, begin a new paragraph and insert:
- 35 "**If a lien is present on the previous owner's certificate of title,**
- 36 **it is the responsibility of the third party lienholder to timely deliver**
- 37 **the certificate of title in the third party's possession to the dealer**
- 38 **not more than ten (10) business days after there is no obligation**

1 **secured by the vehicle. If the dealer's inability to deliver a valid**
 2 **certificate of title to you within the above-described ten (10) day**
 3 **period results from the acts or omissions of a third party who has**
 4 **failed to timely deliver the certificate of title in the third party's**
 5 **possession to the dealer, the dealer may be entitled to claim against**
 6 **the third party the damages allowed by law."**

7 Page 7, between lines 28 and 29, begin a new paragraph and insert:

8 "SECTION 16. IC 9-17-5-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A person having
 10 possession of a certificate of title for a motor vehicle, semitrailer, or
 11 recreational vehicle because the person has a lien or an encumbrance
 12 on the motor vehicle, semitrailer, or recreational vehicle must deliver
 13 the certificate of title to the person who owns the motor vehicle;
 14 semitrailer, or recreational vehicle upon **not more than ten (10)**
 15 **business days after receipt of the payment** the satisfaction or
 16 discharge of the lien or encumbrance indicated upon the certificate of
 17 title **to the person who:**

18 **(1) is listed on the certificate of title as owner of the motor**
 19 **vehicle, semitrailer, or recreational vehicle; or**

20 **(2) is acting as an agent of the owner and who holds power of**
 21 **attorney for the owner of the motor vehicle, semitrailer, or**
 22 **recreational vehicle.**

23 SECTION 17. IC 9-17-8-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. A manufacturer,
 25 converter manufacturer, or dealer must have:

26 (1) a certificate of title;

27 (2) an assigned certificate of title; ~~or~~

28 (3) a manufacturer's certificate of origin; **or**

29 **(4) an assigned manufacturer's certificate of origin;**

30 for a motor vehicle, semitrailer, or recreational vehicle in the
 31 manufacturer's, converter manufacturer's, or dealer's possession.

32 SECTION 18. IC 9-17-8-8 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Before obtaining
 34 a manufacturer's, converter manufacturer's, or dealer's license from the
 35 bureau, a person must agree to allow a police officer or an authorized
 36 representative of the bureau to inspect:

37 (1) certificates of origin, certificates of title, ~~or~~ assignments of
 38 certificates of origin and certificates of title, **or other proof of**

ownership as determined by the bureau; and

(2) motor vehicles, semitrailers, or recreational vehicles that are held for resale by the manufacturer, converter manufacturer, or dealer;

in the manufacturer's, converter manufacturer's, or dealer's place of business during reasonable business hours.

(b) A certificate of title, ~~and~~ a certificate of origin, **and any other proof of ownership** described under subsection (a):

(1) must be readily available for inspection by or delivery to the proper persons; and

(2) may not be removed from Indiana."

Page 9, delete lines 27 through 42.

Page 10, delete lines 1 through 11.

Page 10, line 15, strike "has acquired" and insert "**declares**".

Page 10, between lines 35 and 36, begin a new paragraph and insert:

"(c) When a self-insured entity is the owner of a salvage motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, the self-insured entity shall apply to the bureau within thirty-one (31) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.

(d) Any other person acquiring a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title."

Page 11, line 14, delete "vehicles," and insert "**vehicles or a rental company selling used motor vehicles that have been rented by the rental company,**".

Page 11, line 25, delete "fifty" and insert "**fifteen**".

Page 11, line 25, delete "(\$50,000);" and insert "**(\$15,000);**".

Page 11, line 31, delete "breach of contract;" and insert "**misrepresentation; or**".

Page 11, line 32, delete "failure to comply with IC 9-17-3-3; or".

Page 11, line 33, delete "(D)".

Page 11, run in lines 32 through 33.

Page 12, line 40, after "to" insert ":

1 (1)".

2 Page 12, line 40, delete "dealers or" and insert "**dealers;**

3 (2)".

4 Page 12, line 41, delete "dealers." and insert "**dealers; or**

5 (3) **a rental company that is a dealer conducting a sale at a**
6 **company owned affiliate.**".

7 Page 14, between lines 21 and 22, begin a new paragraph and insert:

8 "SECTION 34. IC 9-25-6-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) If the bureau:

10 (1) does not receive a certificate of compliance from a person
11 identified under IC 9-25-5-2 within forty (40) days after the date
12 on which the bureau mailed the request for evidence of financial
13 responsibility to the person; or

14 (2) receives a certificate that does not indicate that financial
15 responsibility was in effect with respect to the motor vehicle
16 operated by the person on the date of the accident referred to in
17 IC 9-25-5-2;

18 the bureau shall take action under subsection (c).

19 (b) If the bureau:

20 (1) does not receive a certificate of compliance from a person
21 presented with a request for evidence of financial responsibility
22 under IC 9-25-9-1 within forty (40) days after the date on which
23 the person was presented with the request; or

24 (2) receives a certificate that does not indicate that financial
25 responsibility was in effect with respect to the motor vehicle that
26 the person was operating when the person committed the violation
27 described in the judgment or abstract received by the bureau
28 under IC 9-25-9-1;

29 the bureau shall take action under subsection (c).

30 (c) Under the conditions set forth in subsection (a) or (b), the bureau
31 shall do the following:

32 (1) Immediately suspend the person's current driving license or
33 vehicle registration, or both.

34 (2) Demand that the person immediately surrender the person's
35 current driving license or vehicle registration, or both, to the
36 bureau.

37 (d) Except as provided in subsection (e), if subsection (a) or (b)
38 applies to a person, the bureau shall suspend the current driving license

1 of the person irrespective of the following:

2 (1) The sale or other disposition of the motor vehicle by the
3 owner.

4 (2) The cancellation or expiration of the registration of the motor
5 vehicle.

6 (3) An assertion by the person that the person did not own the
7 motor vehicle and therefore had no control over whether financial
8 responsibility was in effect with respect to the motor vehicle.

9 (e) The bureau shall not suspend the current driving license of a
10 person to which subsection (a) or subsection (b) applies if the person,
11 through a certificate of compliance or another communication with the
12 bureau, establishes to the satisfaction of the bureau that the motor
13 vehicle that the person was operating when the accident referred to in
14 subsection (a) took place or when the violation referred to in subsection
15 (b) was committed was:

16 (1) rented from a rental company; ~~(as defined in IC 24-4-9-7);~~ or

17 (2) owned by the person's employer and operated by the person in
18 the normal course of the person's employment.".

19 Page 14, between lines 26 and 27, begin a new paragraph and insert:

20 "SECTION 36. IC 14-16-1-8 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. ~~(a) Except as~~
22 ~~otherwise provided, an off-road~~ **A** vehicle may not be operated on
23 ~~public property~~ unless registered **as set forth in section 9 of this**
24 **chapter.**

25 ~~(b) Registration is not required for a vehicle that is exclusively~~
26 ~~operated in a special event of limited duration that is conducted~~
27 ~~according to a prearranged schedule under a permit from the~~
28 ~~governmental unit having jurisdiction.~~

29 SECTION 37. IC 14-16-1-9 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The owner of
31 each vehicle required to be registered under this chapter must do the
32 following:

33 (1) File an application for registration with the department on
34 forms provided by the department.

35 (2) Sign the application.

36 (3) **If the vehicle is purchased after June 30, 2003, include a**
37 **copy of the bill of sale.**

38 (4) **Include a signed affidavit in which the applicant swears or**

1 **affirms that the information set forth in the application by the**
 2 **applicant is correct.**

3 **(5) Pay a fee of six dollars (\$6).**

4 (b) Upon receipt of an application in approved form, the department
 5 shall enter the application upon the department's records and issue to
 6 the applicant a certificate of registration containing the following:

7 (1) The number awarded to the vehicle.

8 (2) The name and address of the owner.

9 (3) Other information that the department considers necessary.

10 (c) A certificate of registration must:

11 (1) be pocket size;

12 (2) accompany the vehicle; and

13 (3) be made available for inspection upon demand by a law
 14 enforcement officer.

15 SECTION 38. IC 14-16-1-20.5 IS ADDED TO THE INDIANA
 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2003]: **Sec. 20.5. An individual may not**
 18 **operate a vehicle without identification numbers attached on the**
 19 **vehicle as required under section 11 of this chapter except when:**

20 **(1) the vehicle is being operated by a nonresident of Indiana**
 21 **as authorized under section 19 of this chapter;**

22 **(2) the vehicle is being operated for purposes of testing or**
 23 **demonstration with temporary placement of numbers as set**
 24 **forth in section 16 of this chapter; or**

25 **(3) the operator of the vehicle has in the operator's possession**
 26 **a bill of sale from a dealer or private individual that includes**
 27 **the following:**

28 **(A) The purchaser's name and address.**

29 **(B) A date of purchase that is not more than thirty-one (31)**
 30 **days preceding the date that the operator is required to**
 31 **show the bill of sale.**

32 **(C) The make, model, and vehicle number of the vehicle**
 33 **provided by the manufacturer as required by section 13 of**
 34 **this chapter.**

35 SECTION 39. IC 14-16-1-29, AS AMENDED BY P.L.158-2002,
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2003]: Sec. 29. (a) A person who violates section 17, 23(2),
 38 or 24 of this chapter commits a Class B misdemeanor.

- 1 (b) A person who violates section 8, 9, 11, 12, 13, 14, 18, 19, 20,
2 **20.5**, 21, 23(1), 23(3), 23(4), 23(5), 23(6), 23(7), 23(8), 23(9), 23(10),
3 23(11), 23(12), 23(13), 23(14), or 27 of this chapter commits a Class
4 C infraction."
5 Renumber all SECTIONS consecutively.
(Reference is to SB 405 as reprinted March 4, 2003.)

and when so amended that said bill do pass.

Representative Reske